UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1998/SR.36/Add.1
4 September 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 28 August 1998, at 3 p.m.

Chairman: Mr. GUISSÉ

CONTENTS

CONCLUDING ITEMS:

(a) CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION;

(b) DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FIRST SESSION OF THE SUB-COMMISSION;

(c) ADOPTION OF THE REPORT ON THE FIFTIETH SESSION

CLOSURE OF THE SESSION

* The summary record of the first part (closed) of the meeting appears as document E/CN.4/Sub.2/1998/SR.36.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-14250 (E)

The public part of the meeting was called to order at 3.45 p.m.

CONCLUDING ITEMS:

(a) CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION;

(b) DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FIRST SESSION OF THE SUB-COMMISSION;

(c) ADOPTION OF THE REPORT ON THE FIFTIETH SESSION (agenda item 14)

(E/CN.4/Sub.2/1998/L.1; E/CN.4/Sub.2/1998/L.10 and Add.1-12; E/CN.4/Sub.2/1998/L.11 and Add.1-3)

1. The CHAIRMAN invited members to make any comments or suggestions they might have on agenda item 14, bearing in mind that the Sub-Commission was merely called upon to take note of the draft provisional agenda submitted under item 14 (E/CN.4/Sub.2/1998/L.1), which would be adopted at the fifty-first session.

2. Ms. HAMPSON said she was puzzled that the draft provisional agenda contained no reference to the social forum. Furthermore, since one of the Sub-Commission's goals was to keep the number of separate agenda items to a minimum, she was surprised that item 11, concerning children and youth, had been maintained although it had generated little discussion during the current session and was perhaps a matter best handled by the Committee on the Rights of the Child.

3. The CHAIRMAN reiterated that the draft provisional agenda was to be adopted by the Sub-Commission at its fifty-first session, and should be noted but not discussed at the current session.

4. Mr. JOINET pointed out that members were merely making comments that would facilitate discussion at the next session. In the annotations to the provisional agenda the Secretariat would also need to give the background to the recommendation to delete item 9, concerning the administration of justice, so that an informed decision could be taken on the basis of United Nations activities in that area.

5. Mr. ALFONSO MARTÍNEZ, endorsing the Chairman's remarks, added that the Bureau had decided to recommend the draft provisional agenda as it appeared in document E/CN.4/Sub.2/1998/L.1.

6. Mr. WEISSBRODT said that the document did not entirely reflect the Bureau's views. He cited the examples of item 3 (b), where it had been decided that the topic "xenophobia" should include "related intolerance", and items 9 (a), (c) and (d), which the Bureau had decided should not appear on the agenda since they were no longer covered by the working group on the administration of justice. His remarks implied no criticism of the Secretariat; indeed, it had been the Secretariat's own view that the Bureau's discussion of the issues should be reflected in the document so that the Sub-Commission could arrive at the same conclusions.

7. He agreed with Ms. Hampson that the topic of children and youth had not generated much debate at the 1998 session. Moreover, he clearly remembered that the topic had been included in the agenda provisionally, for one year only; however, despite the lack of legislative authority and documentation, it had reappeared as a new, full-fledged item. While everyone was concerned with the rights of the child, he wondered whether the Sub-Commission had any real contribution to make in that area.

8. The social forum did not appear in the document because, given the proposal to constitute a sessional working group, a decision in that regard would be taken by the Sub-Commission at its next session. However, he felt that some reference - if only parenthetical - should be made to its existence considering the Sub-Commission's important decision to endorse the conclusion that the social forum, as proposed by Mr. Bengoa, should be initiated, and the proposal for a decision by the Commission which would implement that endorsement.

9. Mrs. WARZAZI said that the mention of apartheid in item 2 of the draft provisional agenda should be deleted.

10. Mr. ALFONSO MARTÍNEZ, referring to item 11 of the draft provisional agenda, said that the Sub-Commission should back up its words with deeds and its determination should be reflected in the agenda.

11. Mr. FAN Guoxiang said that the lack of any mention of the social forum in the provisional agenda evidenced the fact that a majority of the Bureau did not agree with its inclusion.

12. Mr. KARTASHKIN recalled that, during the current session of the Sub-Commission, some members had expressed the wish to be given more information about the Bureau's meetings and decisions. The Bureau discussed important issues of interest to all members and the availability of such information would facilitate the Sub-Commission's work significantly.

13. The CHAIRMAN said that the Bureau took no decisions without consulting the Sub-Commission. He invited the members to move on to agenda item 14 (c), namely the adoption of the report of the Sub-Commission on its fiftieth session.

14. Mr. MAXIM, Rapporteur, introducing the draft report on the fiftieth session, said that the report consisted of two parts, namely a compilation of the Sub-Commission's resolutions and decisions (E/CN.4/Sub.2/1998/L.11 and Add.1-3) and a summary of its discussions (E/CN.4/Sub.2/1998/L.10 and Add.1-12). The report was of a technical nature; for substantive information, including the statements made in the course of the session, reference should be made to the summary records.

15. The CHAIRMAN invited the members of the Sub-Commission to consider document E/CN.4/Sub.2/1998/L.10 and its addenda, which contained draft chapters of the report on the various agenda items.

Document E/CN.4/Sub.2/1998/L.10 (chap. XIII)

16. Document E/CN.4/Sub.2/1998/L.10 was adopted.

Document E/CN.4/Sub.2/1998/L.10/Add.1 (chap. XIV)

17. Mr. JOINET said that his name had been omitted in error from the list of sponsors of the draft resolution referred to in paragraph 11, and requested that the paragraph should be amended accordingly.

18. Document E/CN.4/Sub.2/1998/L.10/Add.1, as amended, was adopted.

Documents E/CN.4/Sub.2/1998/L.10/Add.2-10 (chaps. XV and III-X)

19. Documents E/CN.4/Sub.2/1998/L.10/Add.2-10 were adopted.

Document E/CN.4/Sub.2/1998/L.10/Add.11 (chap. XI)

20. Ms. HAMPSON requested that the final sentence of paragraph 8 should be amended to include her name, which had been omitted.

21. Document E/CN.4/Sub.2/1998/L.10/Add.11, as amended, was adopted.

Document E/CN.4/Sub.2/1998/L.10/Add.12 (chap. XII)

22. Document E/CN.4/Sub.2/1998/L.10/Add.12 was adopted.

23. The CHAIRMAN invited the members of the Sub-Commission to consider document E/CN.4/Sub.2/1998/L.11 and its addenda, which contained chapter II of the draft report, including resolutions and decisions adopted by the Sub-Commission at its fiftieth session.

Document E/CN.4/Sub.2/1998/L.11

24. Mr. EIDE said that, in each of paragraphs 4 and 5 of resolution 1998/12, the two names to be inserted were those of Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama.

25. Document E/CN.4/Sub.2/1998/L.11, as amended, was adopted.

Document E/CN.4/Sub.2/1998/L.11/Add.1

26. Document E/CN.4/Sub.2/1998/L.11/Add.1 was adopted.

Document E/CN.4/Sub.2/1998/L.11/Add.2

27. Mr. JOINET, referring to resolution 1998/25, paragraph 1, said that no mention appeared to be made of the report of the sessional working group on the administration of justice, which ought to be transmitted to the Commission on Human Rights together with the draft international convention on the protection of all persons from enforced disappearance. He also wondered whether the draft convention would be transmitted separately or as an annex to the report.

28. The CHAIRMAN reassured Mr. Joinet that the omission was an oversight and would be corrected by the Secretariat, which would also take care of the transmission of the draft convention.

29. Mr. ALFONSO MARTÍNEZ pointed out that the Secretariat had a formula it used in the annotated agenda, to the effect that a specific document was at the disposal of the members of a particular body.

30. Document E/CN.4/Sub.2/1998/L.11/Add.2 was adopted.

Document E/CN.4/Sub.2/1998/L.11/Add.3

31. Mr. ALFONSO MARTÍNEZ said that, according to his notes on the final version of decision 1998/110, the last part of section (c) of the first paragraph should read "teniendo en cuenta la intervención formulada por la Sra. Hampson sobre este tema y cualquier otra documentación pertinente", and he requested the secretariat to check its final version and amend the text if necessary.

32. Document E/CN.4/Sub.2/1998/L.11/Add.3 was adopted subject to amendment.

33. Mr. KARTASHKIN, supported by Mrs. WARZAZI, suggested that the Secretariat should check the voting record on the various resolutions and decisions of the Sub-Commission during the session, since, although a number of them were recorded in addenda 1 to 3 as having been adopted "without a vote", some of those had in fact been adopted by consensus, and that should be made clear.

34. The CHAIRMAN said that, if he heard no objection, he would take it that the Sub-Commission wished to adopt the draft report as a whole.

35. It was so decided.

36. Mrs. WARZAZI, supported by Mr. ALFONSO MARTÍNEZ and Mr. KHALIL, thanked Ms. Hampson for her positive participation and initiative in the Sub-Commission's proceedings at the current session.

37. Mr. JOINET said that the Commission on Human Rights had put to the Sub-Commission a number of direct questions and recommendations which required responses. He feared that, for technical reasons, the great efforts the Sub-Commission had made to address those questions and recommendations would not be given the weight they deserved in its report to the Commission. The Commission had been requesting responses of that kind for the past five years and the Sub-Commission had always made every effort to respond, but the reports gave little indication of those efforts. He therefore requested that the Chairman, when presenting the Sub-Commission's report to the Commission, should include direct responses to those questions and recommendations and ensure that they were distributed in at least two languages.

38. The CHAIRMAN pointed out that such documents were issued in all six languages.

39. Mr. ALFONSO MARTÍNEZ said that Mr. Joinet appeared to be suggesting that the Sub-Commission should engage in an exercise of self-congratulation. The Chairman would no doubt convey the fact that the Sub-Commission had carried out its work, and the report should merely reflect that work and the decisions taken.

40. Mrs. WARZAZI endorsed the views of Mr. Alfonso Martínez. The improvement of the Sub-Commission's work was a continuing process which the members of the Sub-Commission had undertaken out of conviction, and not only to satisfy the Commission. In order to avoid any misunderstanding, rather than referring to consensus the Chairman might say that the report had been prepared with the contribution of all the Sub-Commission's members.

41. Mr. EIDE said it was appropriate for the Sub-Commission to show that it had considered the Commission's resolution and was willing to rationalize its work. The main point, which the Chairman might emphasize, was the constructive atmosphere in which the fiftieth session had taken place.

42. Mr. JOINET said that he had made his suggestion because it was of benefit as well as a matter of courtesy for the Sub-Commission to respond to the Commission's requests.

43. The CHAIRMAN, replying to a question from Mrs. WARZAZI, said that a record of his meeting with the staff of the Office of the High Commissioner for Human Rights would be issued.

CLOSURE OF THE SESSION

44. The CHAIRMAN said that the fiftieth session had begun in an atmosphere of reform. The Sub-Commission had received the Chairman of the Commission on Human Rights and transmitted to the Chairman a unanimous decision on the reforms to be undertaken in its work.

45. The question of the Sub-Commission's future had repeatedly arisen. To those who were suggesting its elimination, he stressed the Sub-Commission's role of "think-tank" and referred to one of the final observations of document E/CN.4/Sub.2/1998/38, which concerned the importance of the Sub-Commission exploring new areas.

46. It was more important than ever for the Sub-Commission to rationalize its agenda, by varying the time allotted to each item and by avoiding duplication. The Sub-Commission had begun combating duplication well before Commission resolution 1997/22, and the results were already visible. By deciding to consider to certain agenda items on a biennial basis, for example, the Sub-Commission had rationalized its considerable volume of work - 186 documents representing 1,382 pages - for the fiftieth session.

47. The fiftieth session had continued to give increased attention to economic, social and cultural rights, which were indissociable from the other human rights and the core of the peace-development-human rights triad. For the first time in its history the Sub-Commission had proposed to the Commission the establishment of a working group on the impact of the activities of transnational corporations on economic rights individually and

collectively, as well as a social forum to develop discussions in that area. Studies on economic issues were being conducted. The Sub-Commission had also adopted a resolution on the establishment of a follow-up mechanism to report on impunity for violations of economic, social and cultural rights, and had been asked by the Commission to undertake studies to prepare for the forthcoming World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance.

48. He thanked the members of the Sub-Commission, the Secretariat and all the support staff for their contribution to the success of the fiftieth session.

49. Mr. KARTASHKIN pointed out that the Sub-Commission was the only United Nations body of experts which dealt with the entire range of human rights issues. He thanked everyone who had helped to make the fiftieth session a success and expressed the hope that future sessions would be even more fruitful.

50. Mr. WEISSBRODT said that the fiftieth session had been successful in many ways. The Sub-Commission had been able to interpret its mandate from the Economic and Social Council and the Commission in a way that had enabled it to consider several country situations which were not on the Commission's agenda. The fiftieth session had also marked a renewed emphasis on the importance of economic, social and cultural rights, with the proposed establishment of a sessional working group on transnational corporations and human rights, the development of the concept of a social forum to give focus to discussions in that field, a working paper on trade and investment as they related to human rights and ongoing studies about other economic issues. The preparation of a draft convention on enforced disappearances had also been completed.

51. In preparing for the next session, members should think about ways to improve and increase consultation among themselves and to foster more fruitful exchanges of views about the Sub-Commission's studies and decisions.

52. Mr. PARK, speaking on behalf of the Asian group, expressed satisfaction at the effective manner in which the fiftieth session had proceeded. The discussions had brought forth fresh ideas and had been more convergent than divergent on many important issues. The active participation by Government observers and representatives of United Nations agencies, intergovernmental and other observer delegations and non-governmental organizations had been of great benefit. He thanked all the participants and reaffirmed the Asian group's commitment to working towards the promotion and protection of human rights worldwide.

53. Mr. ALFONSO MARTÍNEZ, speaking on behalf of the Latin American group, said that the fiftieth session had raised a series of ideas for members to reflect on in the years to come. In preparing for the next session, members should continue to explore ways to improve the Sub-Commission's functioning and role within the United Nations system while safeguarding its independence.

54. Mrs. WARZAZI, speaking on behalf of the African group and as the member who had nominated the Chairman on the group's behalf, expressed satisfaction at the Chairman's successful conduct of the fiftieth session. She thanked everyone who had made the session a success and reiterated the Sub-Commission's determination to continue working towards the promotion and protection of human rights.

55. The CHAIRMAN declared the fiftieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities closed.

The meeting rose at 5.50 p.m.